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10/669,802	09/25/2003	Kuniko Yamasaki	C14-161741M/ISI	5442

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EXAMINER

PENDLETON, DIONNE

ART UNIT	PAPER NUMBER
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2627

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/669,802

Applicant(s)

YAMASAKI ET AL.

Examiner

Dionne H. Pendleton

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) n/a is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 8 and 9 recite, "the control unit sets the sound output of the first output unit in an interrupted state ... while the power source is OFF."

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 8 and 9** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The Applicant's specification has failed to clearly disclose how the device is constructed such that the control unit [may set] the sound output of the first output unit in an interrupted state *while the power source is OFF*.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 3,5,7,9,11 and 13** are rejected under 35 U.S.C. 102(e) as being anticipated by **Yasuhara Pub. No. US 2003/0053638 A1**.

Regarding claim 3,

In **Figure 9**, Yasuhara teaches an acoustic device comprising: a plurality of sound sources (*see paragraph [0054]*);

a first output unit (10,11) and a second output unit (13) for outputting sound based on sound signals from the sound sources;

a mode setting unit (*see switches 22 & 23, since both operate to change the operating mode of the acoustic device*) responding to a predetermined operation for switching and setting a first mode, in which the sound based on the sound signals from one of the sound sources are output from the first output unit (*see paragraph [0013]*), and a second mode, in which while the sound based on the sound signals from one of the sound sources are being output from the first output unit, the sound based on the sound

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signals from another sound source are output from the second output unit (again, see *paragraph [0013]*);

an external connection unit (6) for externally connecting an electronic device (4);

and

a control unit i.e., switch, for controlling the mode setting unit (22 & 23) so that the power source of the acoustic device may be turned ON in the second mode, when it detects the power ON demand signal through the external connection unit while the power source is OFF, see *paragraph [0057]*.

Regarding claim 5,

In *paragraph [0042-0043]*, Yasuhara teaches an acoustic device according to claim 3, wherein the power ON demand signal obtained through the external connection unit is output from the electronic device in response to the power ON of the electronic device.

Regarding claim 7,

In *paragraph [0057]*, Yasuhara teaches an acoustic device according to claim 3, wherein the power ON demand signal obtained through the external connection unit is output from the electronic device in response to the insertion of a recording medium into the electronic device.

Regarding claim 9,

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As best understood with regard to the USC 112 second paragraph rejection above, Yasuhara appears to teach an acoustic device according to claim 3, wherein the control unit sets the sound output of the first output unit in an interrupted state when the power source of the acoustic device is turned ON in the second mode while the power source is OFF.

Regarding claim 11,

In *paragraph [0041]*, Yasuhara teaches an acoustic device according to claim 3, wherein the control unit causes a display unit to display power ON information indicating that the power source is turned ON, when the power source of the acoustic device is turned ON in the second mode while the power source is OFF.

Regarding claim 13,

Yasuhara teaches an acoustic device according to claim 11, further comprising: a last information storage unit for storing, when the power source of the acoustic device is turned OFF, the sound source information relating to the sound source of the sound based on the sound signals being output by the first output unit just before the OFF of the power source, as last sound source information, *see paragraph [0058]*,

wherein *paragraph [0094-0095]* teaches that the control unit causes the display unit to display the last sound source information stored in the last information storage unit, as the power ON information, when the power source is turned ON in the second mode while the power source is OFF.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1,2,4,6,8,10 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yasuhara Pub. No. US 2003/0053638 A1**.

Regarding claim 1,

In **Figure 9**, Yasuhara teaches an acoustic device comprising: a plurality of sound sources (see *paragraph [0054]*);

a first output unit (10,11) and a second output unit (13) for outputting sound based on sound signals from the sound sources;

a mode setting unit (*see switches 22 & 23, since both operate to change the operating mode of the acoustic device*) responding to a predetermined operation for switching and setting a first mode, in which the sound based on the sound signals from one of the sound sources are output from the first output unit (see *paragraph [0013]*), and a second mode, in which while the sound based on the sound signals from one of the

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sound source are being output from the first output unit, the sound based on the sound signals from another sound source are output from the second output unit (again, see *paragraph [0013]*);

In *paragraph [0036]*, Yasuhara teaches a remote operation unit (14) for operating the rear controller (3) of the acoustic device, reading on “for operating the acoustic device remotely”; and

a control unit (80) for controlling the mode setting unit via actuation of switches (91,92 and 94) so that the power source of the rear controller (3) of the acoustic device may be turned ON in the second mode when it detects a power ON demand signal from switches “22” and “23”.

Yasuhara teaches that the remote operation unit (14) is provided for controlling the rear controller when the audio system operates in the second mode. Yasuhara also teaches that the rear controller (3) is provided with a power ON/OFF switch (22) for sending a power ON demand signal.

Yasuhara does not clearly teach the remote operation unit (14) is also provided with a power ON/OFF switch.

However, the Examiner takes Official Notice that the provision of a power ON/OFF in remote control units is well known in the art and would have been obvious to include in the remote operation unit (14) of Yasuhara, for the purpose of permitting the user to activate/deactivate the externally disposed DVD player or other internally disposed audio sources accessible via rear controller, from a distance.

Regarding claim 2,

In **Figure 9**, Yasuhara teaches an acoustic device according to claim 1, further comprising: an external connection unit (6) for externally connecting an electronic device (4) having the remote operation unit (14), wherein the control unit (2) includes a control unit i.e., switch, for controlling the mode setting unit (22 & 23) so that the power source of the acoustic device may be turned ON in the second mode, when it detects the power ON demand signal through the external connection unit while the power source is OFF, see *paragraph [0057]*.

Yasuhara does not clearly teach that the power ON demand signal may also initiate from the remote operation unit

As applied to claim 1, above, the Examiner has taken Official Notice that the initiation of an ON/OFF Power demand signal from the remote operation unit (14) is well known in the art and would have been obvious to include for the purpose of permitting the user to activate/deactivate the rear controller from a distance.

Regarding claim 4,

In *paragraph [0042-0043]*, Yasuhara teaches an acoustic device according to claim 2, wherein the power ON demand signal obtained through the external connection unit is output from the electronic device in response to the power ON of the electronic device.

Regarding claim 6,

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In *paragraph [0057]*, Yasuhara teaches an acoustic device according to claim 2, wherein the power ON demand signal obtained through the external connection unit is output from the electronic device in response to the insertion of a recording medium into the electronic device.

Regarding claim 8,

As best understood with regard to the USC 112 second paragraph rejection above, Yasuhara appears to teach an acoustic device according to claim 1, wherein the control unit sets the sound output of the first output unit in an interrupted state when the power source of the acoustic device is turned ON in the second mode while the power source is OFF.

Regarding claim 10,

In *paragraph [0041]*, Yasuhara teaches an acoustic device according to claim 1, wherein the control unit causes a display unit to display power ON information indicating that the power source is turned ON, when the power source of the acoustic device is turned ON in the second mode while the power source is OFF.

Regarding claim 12,

Yasuhara teaches an acoustic device according to claim 10, further comprising: a last information storage unit for storing, when the power source of the acoustic device is turned OFF, the sound source information relating to the sound source of the sound

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based on the sound signals being output by the first output unit just before the OFF of the power source, as last sound source information, see *paragraph [0058]*,

wherein *paragraph [0094-0095]* teach that the control unit causes the display unit to display the last sound source information stored in the last information storage unit, as the power ON information, when the power source is turned ON in the second mode while the power source is OFF.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne H. Pendleton whose telephone number is 571-272-7497. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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